

UNITED STATES BANKRUPTCY COURT  
District of New Jersey

Albert Russo  
Cn 4853  
Trenton, NJ 08650  
(609) 587-6888  
Standing Chapter 13 Trustee

In re:

Scott D Stearns  
Naoko Stearns

Debtor(s)



Order Filed on January 29, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 20-14541 / MBK

Hearing Date: 01/13/2021

Judge: Michael B. Kaplan

Chapter: 13

### AMENDED ORDER CONFIRMING CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

DATED: January 29, 2021

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

The plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

**ORDERED** that the plan of the above named debtor, dated 12/11/2020, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

**ORDERED** that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 60 months.

**ORDERED** that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$40,262.29 PAID TO DATE

\$3,550.00 for 50 months beginning 2/1/2021

The balance of the plan shall be paid by the debtor(s) from non-exempt proceeds from the sale of Belize properties by 12/31/2021.

**ORDERED** that the case is confirmed with a calculated plan funding of \$21,776.29, which includes a minimum \$96,649.00 dividend to general unsecured creditors due to non-exempt equity in proper

**ORDERED** that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

**ORDERED** that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

**ORDERED** that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

**ORDERED** that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

**ORDERED** that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

**ORDERED** that the Pre-Confirmation Certification of Compliance must be filed by .

**ORDERED** that if the debtor has provided for a creditor to be paid in the plan and no Proof of Claim is filed by such creditor before expiration of the applicable bar date, the debtor, pursuant to F.R.B.P. 3004, must file a Proof of Claim on behalf of the creditor within 30 days of the expiration of the applicable bar date. If the time period pursuant to F.R.B.P. 3004 has expired, the debtor must file a Proof of Claim on behalf of the creditor and file a motion to allow the Trustee to pay the late filed claim, or the debtor may obtain a Consent Order with the creditor authorizing the Trustee to pay an amount certain in the plan.

**ORDERED** as follows:

The Trustee has received non-exempt proceeds of \$24,762.29 and there remains \$96,649.00 in equity on the two Jacksonville, Florida properties.

The Trustee and the debtors reserve on the determination of the equity on the Belize properties. The debtors are to provide proof of equity on these properties and sell by 12/31/2021, with the Trustee to receive non-exempt proceeds.